

1869-012 Chancery Causes: William A. Willis & vs James Willis &
Lee Co.

2 ly

1 Flat

CA - Estate Dispute
T - Property

To the worshipful County Court of
Lee County in Chancery now sitting.

The bill of complaint of William A.
Willis, and Jeremiah S. Willis, ^{James C. Willis} respectfully, represents
that, John S. Willis, late of said county re-
ported, this life intestate, on the day of
18 At the time of his death

he owned in fee simple some acres of
land, which is situated in said county
and particularly described in the deeds
executed to him which are of record in
the clerk's office of the court of said County.
This land descended to the intestate six
children, who were his heirs at law to
wit the said David C. Willis, Jeremiah Willis,
William A. Willis and ~~John C. Willis~~
John C. Willis

James Willis and

Belindia Ely formerly Willis, who has inter-
married, with Thomas S. Ely; your orators
state that the said Belindia, the wife of
the said Ely conveyed by and with her
husbands, their interest in said lands to
the said John C. Willis and David C. Willis.

Since the death of the said John S.
Willis, the said John C. Willis his son de-
ported this life, leaving neither wife nor
children, previous to his death he made
a will, which has, been, regularly admitted
to probate, whereby he devised the real estate
so descended and purchased to and by him to
his mother, Susan P. Willis, during her mat-
urat life, and at her decease, to his brother
and sister, who are before named.

A copy of said will is filed with
~~proper~~ this bill, but your orators think
proper here to state, that the said
Susan P. Willis, has since the execution of
said will, ^{deported this life} and further that it is probable
that the lands of the said John C. Willis
as aforesaid will be required to pay his
debts. But the object of this bill is
to obtain partition of the real estate, owned
by the said John S. Willis at the time of his
death, among his heirs at law and in
making this partition. Your orators state
that it is proper to ~~show~~ the portions to
which the said, John C. Willis he came
entitled, assigned or allotted in and body
to his ^{debtors who are of his heirs at law} heirs, and not partitioned, between
them, for the reasons before stated. From
these statements it will appear that the
said, Jeremiah, S. Willis, William A. and
James, are each entitled to $\frac{1}{6}$ of the land
of intestate, and, David C. to $\frac{1}{6}$, and $\frac{1}{12}$,
and the, heirs of John C. $\frac{1}{6}$ and $\frac{1}{12}$.

Your orators, prayer is therefore
that the said Thomas S. Ely and Betinda
his wife, and James Willis be made
parties defendant to this bill, and answer
its allegations on oath, that a guardian
ad litem, be appointed for the defendants
James Willis who is an infant under
21 years of age, to answer this bill and
protect the interest of said defendants.

And that on a hearing commissioners
be appointed, and directed, to partition the
said lands of John S. Willis, deceased, among
the said heirs, in the manner and pro-
portion, ~~in the manner~~ before indicated

and in accordance with their interest
therein, and make such orders and
decrees, as may be necessary, and grant
such further & general relief, may seem
just.

Wm. V. P.

William A. Willis

vs. Bill in Chp

James Willis et al.

1869. Jan Rules. Bill filed & David
Miller appointed Guardian ad
Litem for Infants Defendants.
Feb. Spa Exp. & Decree nisi
March. Decree nisi confd.
& Mrs. of Guardian ad Litem
filed & cause set for hearing
June - Decree for Partition
Aug. Costs (Bys) Costs?
Oct. Decree Final.

C 1303
a 5.00
Cj. 5.00

To the Worshipful County Court of
Lee County in Chancery Sitting.

The Separate answer of James Willis
infant heir of John S. Willis deceased under
31 years of ^{age} by David Miller his guardian
ad litem to the bill of Complaint exhibited
in this worshipful Court by William A. Willis
Jeremiah S. Willis and David C. Willis against
Thomas S. Ely and Belinda Ely his wife and
this respondent and after reserving to him-
self and at all times hereafter the benefit
of the usual exceptions to the Complainant's
bill for answer thereto says that he is an
infant under the age of twenty one years
and asks the protection of the Court in any
and every thing that affects his rights in
the premises the Court of Chancery being the
peculiar guardians of the rights of infants.
And having answered this respondent prays
to be dismissed with his costs.

David Miller

Guardian ad litem

for James Willis

Sworn to before me by David Miller Feb the 16th 1869

Henry J. Morgan, C. C.

James Willis
} Answer of
ads. } Guardian ad litem
}
Wm. A. Willis & others

Wm. A. Willis and others Dr.
To David Miller Guardian
ad litem \$5.00

William A Willis et al

against

In eq

James Willis et al

This Cause came on again this day to be heard on the bill of the plaintiffs ~~properly~~ ^{plot and} report of Commissioners Eli Davis, Robert M. Boies and Moses S. Ball, appointed by a decree heretofore rendered in this cause to partition the lands in the bill mentioned between the plaintiffs and defendants according to their rights as set forth in said decree, and it appearing that said Commissioners have discharged their duty properly ~~and~~ ^{as} and the said report being filed in the office of this Court since the 16th day of August 1869 and the same being unexceptionable, on the argument of counsel, the same is confirmed.

An consideration whereof it is adjudged ordered and decreed that the plaintiffs William A Willis Jeremiah S. Willis and David L. Willis and defendant James Willis each hold in severalty free and exempt from the claims of the others the land assigned him according to its miles and bounds as described in said report.

And it is also adjudged and decreed that the heirs of John L. Willis hold the land assigned them. It is further ordered that the clerk of this Court record the decree of partition together with the ^{plots & report of the} assignments made and a copy of this decree in the decree book of his office.

It is further ordered that the parties in this suit pay the expenses thereof with costs of partition in proportion to their interest in the land partitioned and the cause is stricken off the docket.

William A Willis et al

v. { Decu-Linal

James Willis et al

Recorded in Deed Book

N^o 15, pages 737-8-9 + 740.

John B. West, D.C.

William A. Willis et al., plffs. } In Chy.
Against }
James A. Willis et al. depts & }
In motion
of David Miller guardian ad litem of
James Willis infant defendant, leave is
given him to file his answer which is
accordingly done. And thereupon this
cause came on to be heard upon the
bill of the plaintiffs, and exhibits filed
answer of the infant defendant, James A.
Willis by David Miller his guardian ad litem
and was argued by counsel; and it appearing
to the Court that process has been duly exe-
cuted on the other defendants, in the bill
mentioned, and they still failing to appear
and plead the bill as to them is taken
for confessed. On consideration whereof it
is adjudged ordered and decreed, that
Robert M. Baker, Smith Ball ~~and~~ ^{David Miller}
~~Commissioners~~, be appointed commissioners
whose duty it shall be to go upon the
land in the bill mentioned, and par-
tition the same, between the plaintiffs and
defendants in the following manner viz:
They are directed to lay off and assign
to the heirs of John C. Willis, 1/3 and 1/2 in
value of the entire land; to assign to David
C. Willis or like quantity; and to allot and
assign to the plaintiffs William A. Willis and
Jeremiah C. Willis, and defendant James
Willis, ^{each} 1/6 part in value of the entire land.
The said Commissioners are directed to make a plot
showing the partition and assignments by them made

describing the meter and bounds thereof which
shall be accompanied with a report
explanatory of the same and the lines
assigned or allotted to each specifically described
with any other remarks deemed pertinent
And the Cause is continued

William & William & Co

no 33 Decie

Jama N. W. & Co

Entered June 1864 - 439

Virginia,

At a Court of quarter-Sessions continued
and held for Lee County, on Tuesday, the
~~22nd~~ day of June 1869.

William A. Willis et al - - - - Plaintiffs

against

James Willis et al - - - - Defendants

In Chancery

***** On consideration whereof, It is adjudged, ordered, and
decreed that Robert M. Bales, Smith Ball, and Eli Davis
be appointed Commissioners, whose duty it is made to go
upon the lands in the Bill mentioned, and partition
the same between the plaintiffs and defendants in the
following manner viz: they are directed to lay off
and assign to the heirs of John C. Willis $\frac{1}{6}$ & $\frac{1}{12}$ in
value of the entire land; to assign to David C. Willis
a like quantity; and to allot or assign to the plain-
tiffs William A. Willis and Jeremiah S. Willis and defend-
ant James Willis $\frac{1}{6}$ part in value of the entire land.

The said Commissioners are directed to make a
plat showing the partition and assignments by them
made, describing the metes and bounds thereof, which
plat will be accompanied with a report explan-
atory of the same, and the land assigned or
allotted to each specifically described, with any other
remarks deemed pertinent. And the cause is continued.

A copy -

Teste John R. West, D. Clerk

William A. Willis et al

vs. } Copy of Decree.

James Willis et al.

Executed, C. H. J. H.

Ref. S. Wm. H. Say.

Sheriff

Pursuant to an Order of the County Court
of Lee County Va. Dated on the 22nd. day
of June 1869.

We whose names are hereunto subscribed.
proceeded on the 11th. day of August 1869.
to lay off and assign to the heirs of John S.
Willis Deceased the Lands of which he died
Seized and possessed in the following manner.
To-wit:

We have allotted and assigned to James Willis
the lot marked No. 1 on the plat and represented
by Figure 1. 53. 52. 51. c. b. a. g. h. i. f. e. d. 3. 2. 1.
and bounded as follows viz:

Beginning at a Stake on the S. Side of Indian
Creek corner to Eli's Land and running thence
with lines thereof S. 12 E. 312 poles to a double
white Oak Stump; thence S. 23 E. 95 poles to Eli's
corner; thence S. 15 E. 60 poles to two water Oaks
(not found) thence S. 40 E. 36 poles to a double Chestnut
Oak on a ridge; thence S. 17 E. 26 poles to two Chestnut
Oak Stumps on a ridge; thence East $5\frac{1}{2}$ poles to a
Stake corner to the Second lot and with lines
thereof N. 10 W. 398 poles to a Stake in the main
road and with the same N. 82 E. 15 poles to a Stake;
thence N. 10 W. $5\frac{1}{2}$ poles to the middle of Indian Creek
and down the same, ^{with lines of the 14th. lot} making the middle of the
Creek the line to the beginning. Estimated to
contain 132 acres. This we consider to part of
the lands in value.

Secondly.

We have laid off and assigned to the heirs of John C. Willis Deceased the lot marked No 2 on the plat and represented by Figure g. h. i. j. 37. 38. 39. a. g. and bounded as follows viz:

Beginning at a stake in the main road corner to the first lot and running thence with lines thereof S. 82 m. 15 poles to a stake; thence leaving the road S. 10 E. 398 poles to a stake thence East 26½ poles to a chestnut stump; thence N. 10 m. 53 poles to Estep's corner and with his line S. 85 E. 32½ poles to a corner of the third lot and with a line thereof N. 10 m. 376 poles crossing the main road to the middle of the creek opposite to a marked Sycamore bush and with the middle of the creek S. 63 m. 39 poles with a line of the 4th lot; thence S. 10 E. ^{leaving the creek &} with a line of the first lot 5½ poles to the beginning. Estimated to contain 140 Acres.

And also we have assigned to the said heirs of John C. Willis Deceased and half of each of two other tracts. The one represented on the plat by Figure 45. 41. 40. 39. a. b. c. 51. 50. 49. 48. 47. 46. 45. and bounded as follows viz:

Beginning at a double poplar on the Tennessee line and running thence N. 15 E. 138 poles to a forked chestnut corner to Estep's Land; thence N. 20 m. 80 poles with Estep's line to a stake N. 25 E. 112 poles to a forked chestnut corner to Willis' Land thence west 32 poles with lines thereof to two chestnut oaks on a ridge; thence N. 17 m. 26 poles to a double chestnut oak on a ridge; thence N. 40 m. 36 poles

to two water oaks; thence S. 68 m. 26 poles to a hickory and white oak corner to Ely's Land and with lines thereof S. 6 E. 132 poles to a chestnut thence N. 65 West 54 poles to a poplar, hickory and white oak in a hollow; thence S. 25 E. 138 poles to a Spanish Oak Sourwood and dogwood thence S. 30 m. 130 poles to a white oak on the Tennessee line and with it East 60 poles to the beginning. Supposed to contain 127½ Acres. This tract was owned by John S. Willis and John C. Willis equally at the time they died and we have assigned the whole to the heirs of the said John C. Willis Deceased.

The other tract, ^{one half of} which we have assigned to the heirs of the said John C. Willis was owned equally by John S. Willis and Robert M. Ely at their Deceased and we have assigned one ^{half} of it to the heirs of John C. Willis Deceased.

It is represented on the plat by Figure.

44. 45. 41. 42. 43. 44 and bounded as follows

Beginning at a white oak on the State line between Virginia and Tennessee and running thence with the same west 140 poles to a tripple poplar; thence N. 15 E. 138 poles to a double chestnut Estep's corner & with lines of the same N. 50 E. 40 poles to a small white oak; thence S. 30 E. 123 poles to 3 dogwoods in the edge of a hollow; thence S. 20 E. 44 poles passing the head of a spring to the beginning. Supposed to contain 50 Acres

Thus we have assigned to the heirs of the said John C. Willis Deed and interest in three lots marked each No. 2 on the plat which we consider equal in value to $\frac{1}{6}$ and $\frac{1}{12}$ of the lands divided

Thirdly,

We have assigned to William A. Willis the lot marked No. 3 on the plat and represented by Figure j. 37. 36. o. n. m. l. k. j. and bounded as follows to wit.

Beginning at the middle of the creek opposite to a marked Sycamore bush corner to the second lot and running thence with a line of the same S. 10 E. 398 poles to a stake in Estep's line and with it S. 85 E. 48 poles to a stake corner to the 4th lot and with line thereof N. 10 W. 342 poles to a stake in the main ^{road} thence North 32 poles to a stake; thence N. 65 W. 14 $\frac{1}{2}$ poles to a stake; thence north 34 $\frac{1}{2}$ poles to a Sycamore bush on the south bank of the creek and with the middle of the creek 67 poles to the beginning. Estimated to contain 125 Acres.

This lot includes the house & Spring where the said William A. Willis now resides. and is considered to be in value of all the lands divided

Fourthly,

We have assigned to David C. Willis the lot marked No. 4 on the plat and represented by the Figure. 3. 4. 5. 6. 7. 8. 9. 10. 11. 12. 13. 14. 15. 16. 17. 18. 19. p. q. 35. 36. o. n. m. l. k. j. i. f. e. d. 3. and bounded as follows viz:

Beginning at a stake in the main road corner to the third lot and running thence with a line of the same S. 10 E. 342 poles to a stake in Estep's line and with the same S. 85 E. to a corner of the fifth lot and with line thereof N. 5 W. 200 poles to a stake; thence N. 15 W. 140 poles to a stake in the main road and with the same S. 85 E. 38 poles to the middle of the creek and down it to Haskins' line and with the same N. 40 $\frac{1}{2}$ E. 108 poles leaving the creek to a white Oak; thence N. 24 E. 64 poles to a rock marked J. W. corner to William Ball's land and with his line S. 73 W. 29 poles to a stake; thence N. 89 W. 19 poles to a lynx at a road thence S. 71 $\frac{1}{2}$ W. 15 $\frac{1}{2}$ poles to a large Sycamore; thence N. 55 W. 19 poles to a stake thence S. 18 W. 72 poles to an Ash thence N. 88 W. 91 poles to a Chinquapin Oak on the East side of a branch and down the same as it meanders to its mouth thence leaving said Ball's line and running up the creek making the middle of the creek the line to the north east corner of the third lot and with line thereof North 34 $\frac{1}{2}$ poles to a stake

thence S. 65 E. 14½ poles to a Stake thence
South 32 poles to the beginning.
Estimated to contain 170 Acres

This lot we consider equal in value to $\frac{1}{6}$ and
 $\frac{1}{2}$ of the lands divided.

Fifthly:

We have assigned to Jeremiah S. Willis
the lot marked No. 5 on the plot and
represented by the Figure 19. 20. 21. 22. 23.
24. 25. 26. 27. 28. 29. 30. 31. 32. 33. 34. 35. g. p. 19.
and bounded as follows viz.

Beginning at the middle of the creek
where the main road crosses it and
running thence up the creek to the mouth
of a Spring branch; thence with a hollow
S. 38 E. 17 poles to a Stake S. 30 E. 40 to a Stake
S. 38 E. 13 to a Stake in Haskins' line and with
the same N. 13 W. 100 poles to a rock corner to
Howards' old Survey; thence N. 70 E. 76 poles to
a Stake; thence N. 79 E. 25 poles to a white Oak
corner to Chadwells' land and with a line
thereof S. 28 W. 153 poles to a white Oak stump
Haskins' corner and with his line S. 85 W. 22
poles to a white Oak; thence S. 8½ E. 36½ poles to
a Stake at said Haskins' corner & with his line
S. 75 W. 45 poles to a Stake; thence S. 30 E. 123
poles to a double white Oak; thence leaving
said line S. 11 W. 95 poles to a dogwood corner
to Estep's land and with a line thereof N. 85 W. 79
poles to a Stake corner to the fourth lot
and with line thereof N. 5 W. 200 poles to

to a Stake; thence N. 15 W. 140 to a Stake in
the main road and along the same S. 83 E. 38
poles to the beginning. Estimated to contain
200 Acres. including the tanyard &c.
and is considered equal in value to $\frac{1}{6}$ part of
the lands divided, after adding to it a
tract supposed to contain 40 Acres more or
less which we have also assigned to the
said Jeremiah S. Willis. This tract does not
appear on the plot as we did not survey it.
It lies adjoining the lands of Sweet Chapman
and others.

There is also another tract of 1296 Acres
on Cumberland mountain one half of which
belongs to Chadwell Britain and the other
half to the heirs of the said John S.
Willis Dec'd. This tract we have not divided
but we have assigned one half of it to
the heirs of the said Willis Dec'd. in just
such proportion as the order of Court directs.

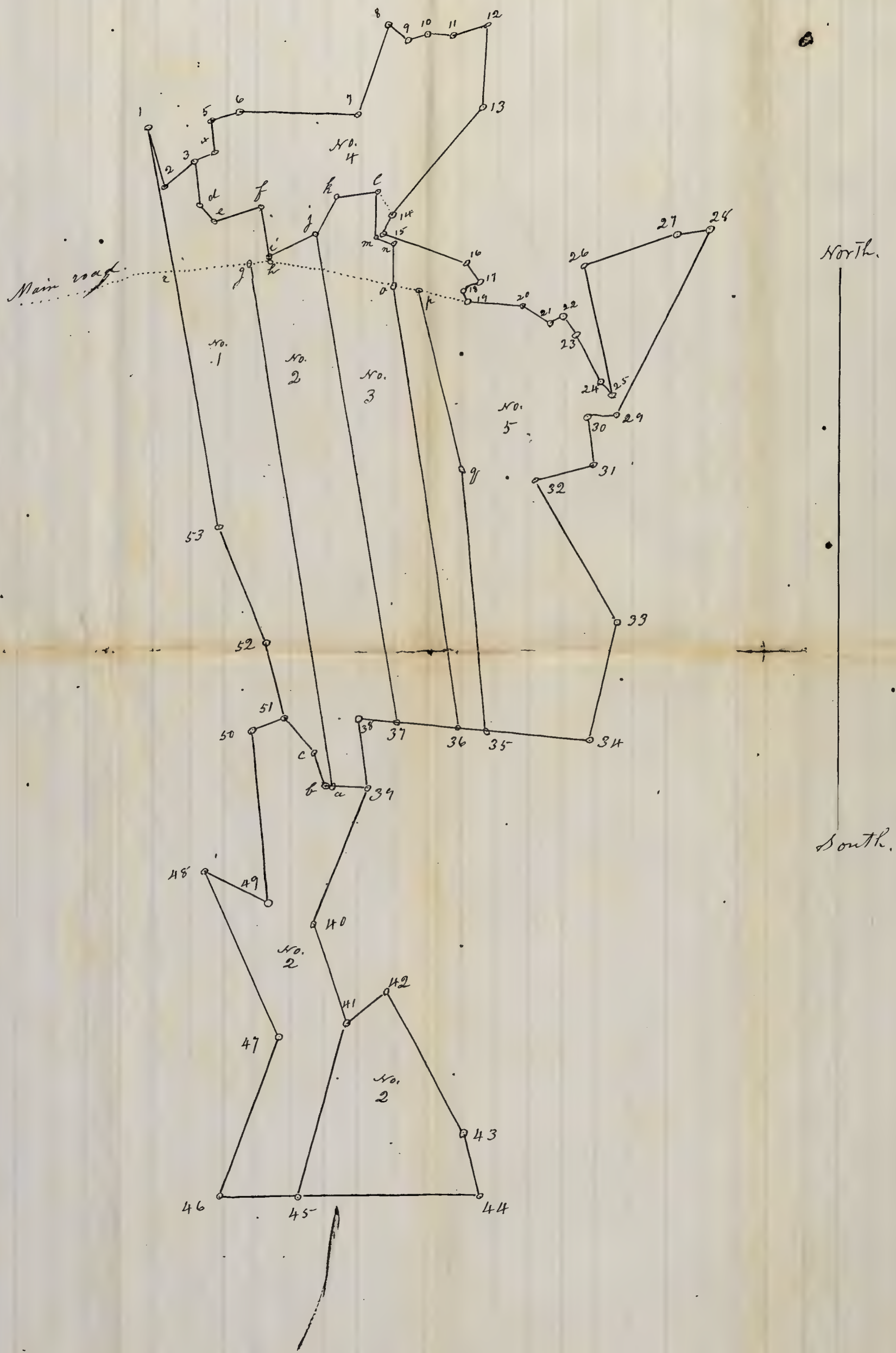
See the plot annexed.

Respectfully submitted August the 14th, 1869.

Eli Davis,
Robert M. Balis
Moses S. Ball.
Commissioners.

Commissioners fees.

Eli Davis	\$ 12.00	paid
R. M. Balis	.00	
M. S. Ball.	.00	
Total	\$ 12.00	Paid.



Wm A. Willis & others.

vs 3 Comrs Report

James Willis & others.

Filed August 16/1869

John B. West D.C.

Recorded in deed

No 15, page 737-8-9 & 740.

John B. West D.C.

Virginia,

At a Court of Quarter Sessions continued and held for Lee County, at the Court-House there of, on Tuesday, the 22nd day of June 1869.

William A. Willis et al.

Plaintiffs

against

James Willis et al.

Defendants

In Chancery

xxxxxx On Consideration whereof, It is adjudged, ordered and decreed, that Robert M. Bales, Smith Ball, and Eli Davis be appointed Commissioners, whose duty it is made to go upon the lands in the Bill mentioned and partition the same between the plaintiffs and defendants in the following manner viz: - they are directed to lay off and assign to the Heirs of John C. Willis $\frac{1}{6}$ and $\frac{1}{12}$ in value of the entire land; to assign to David C. Willis a like quantity; and to allot or assign to the Plaintiff William A. Willis and Jeremiah B. Willis and defendant James Willis $\frac{1}{6}$ part in value of the entire land.

The said Commissioners are directed to make a plat showing the partition and assignments by them made, describing the metes and bounds thereof, which plat will be accompanied with a Report explanatory of the same, and the land assigned or allotted to each, specifically described, with any other remarks deemed pertinent. and the cause is continued.

A copy

Leche. John B. West, Clerk

1228

210 E. 346 398 10
 a month each with 2
 100 to 200 in stock
 100 to 200 in stock

10000. *Arctia lineata* Guenee. E. S. P.

410 m 29 to 300 h

I got Mr. 39 to find
the Smith to read.

Third Lib. A. 108.329

Sticks in Ashby Green
A week at Washington
Go to the corner.

Eli Davis

Third lot along the road. ¹⁰⁰
E. 865-m ⁵⁵ poles to a stake. 8 13 1/2 m to
near creek ^{14 1/2} North 3 d. by canoe trail
with side creek and where it
m. 32 1.30 m. 35 to a Sycamore bush
near to 2nd lot

$$\begin{array}{r} 342 \\ 32 \\ \hline 374 \end{array}$$
$$\begin{array}{r} 5340 \\ 19900 \\ \hline 492 \\ \hline 123 \end{array}$$

2	1	6	4
2	1	6	4

$$\begin{array}{r} 148 \\ \underline{34} \\ 54 \\ \underline{44} \\ 5832 \\ \underline{116} \end{array}$$

5825
585
585
585
585

$$\begin{array}{r} 110 \\ 15- \\ \hline 550 \\ 110 \\ \hline 1650 \\ 5845 \\ 5032 \\ \hline \end{array}$$

515
8/2

1650
5245
540
115359
42

$$\begin{array}{r} 86 \\ 24 \\ \hline 42 \end{array}$$

The Commonwealth of Virginia,

TO THE SHERIFF OF LEE COUNTY—GREETING:

WE COMMAND YOU TO SUMMON

*Thomas S. Ely and Balind his wife and
James Willis*

to appear before the ~~Judge of our Circuit~~ ^{Justices of our County} Court for Lee county, at the Court House, in
the Clerk's Office, at Rules to be holden for the said Court, on the *first* Monday
in *February* next, to answer a Bill in Chancery exhibited in our said Court
against ~~them~~ by *William A. Willis, Jeremiah Willis and David C.
Willis*

And have then there this writ. WITNESS, HENRY J. MORGAN, Clerk of our said
Court, at the Court House, this *29th* day of *December* 186*8*, in
the *93rd* year of the Commonwealth.

Henry J. Morgan Clerk.

J. P.

4-70
William A. Willis & Co.

vs $\frac{3}{8}$ Spain City

Thomas S. Ely & Co. for & al

February Rules 1869.

January 26th 1869.

Accepted by delivering
to Thos. S. Ely & Belinda his wife
and James. Willis. an attested
Office copy of the
within writ.

Thos. J. Brown D. S.
For Jas. H. Orr. S. L. C.

Tax paid